

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the
City of Fort Wayne (as more specifically described below)
was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-
4-12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

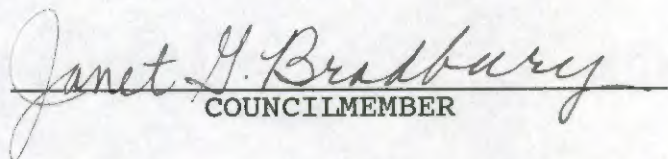
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
public alley within the City of Fort Wayne, more
specifically described as follows, to-wit:

A fourteen (14) foot wide alley running between
the East right-of-way line of Clay Street and East
to, but not including, Lots 21, 23 and 32, located
South of Lots 18 thru 22 and North of Lots 33 thru
37 all in Tabers Addition to the City of Fort
Wayne, Indiana.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.


COUNCILMEMBER

#446

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APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on Tuesday,
the 27th day of November, 1990,
in the Council Chambers.

Sandra E. Kennedy
Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Bradbury, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock 1 M., E.S.T.

DATED: 9-11-90.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, placed on its passage. PASSED ~~1087~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u> </u>	<u> </u>	<u>2</u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>EDMONDS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>

DATED: 11-27-90.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 15-28-90 on the 27th day of November, 1990

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1990, at the hour of 2:00 o'clock 2 M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of November, 1990, at the hour of 8:45 o'clock 8 P M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

RECEIPT

No 7337

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7-23 1990

RECEIVED FROM

Moore Park Assoc \$ 100.00

THE SUM OF

one hundred + 00/100 DOLLARS

ON ACCOUNT OF

42589 Alley Vacation

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

Kash

Date Filed: July 19, 1990

Vacation Petition

I/We Lincoln National Bank Trustees
(Applicant's Name or Names)

PETITION TO VACATE The Alley
(Street, Alley, Utility Easement, Plat,

Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following Alley with the City of Fort Wayne, Indiana, and hereby described as follows:

A fourteen (14) foot wide alley running between the East Right-of-Way line of Clay Street and East to, but not including, Lots 23 and 32, located South of Lots 18 thru 22 and North of Lots 33 thru 37 all in Tabers Addition to the City of Fort Wayne, Indiana.

(Legal Description of property being vacated) If additional space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as follows:

(List reasons for requesting vacation.)

1. That the owner of the properties on both sides of the portion of the alley to be vacated wishes to combine his property on both sides of this alley into one complex.
2. That the alley is not necessary as ingress or egress to other properties since the two remaining properties on the East end of this block would still have access to the unvacated portion from Monroe Street.
3. That of the two remaining properties in the same block, only one requires access to the portion of the alley not being vacated and use of the portion to be vacated is not necessary by this property owner.
4. That an easement shall be maintained for all existing utilities in this alley (If additional space is needed use reverse side.) that aren't abandoned.

Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance, in order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described Alley be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 18th DAY OF July 19 90

Lincoln National Bank Trustees
Adjacent Property Owner
Typed Name

116 East Berry Street 46802
Address Zip

Jennifer D. King, ATO
Signature

Adjacent Property Owner
Typed Name

Address Zip

Signature

RESOLUTION 78-303-6

WHEREAS, the LINCOLN NATIONAL BANK TRUSTEES have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

A fourteen (14) foot wide alley running between the East right-of-way line of Clay Street and East to, but not including, Lots 21, 23 and 32, located South of Lots 18 thru 22 and North of Lots 33 thru 37 all in Tabers Addition to the City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held

and as same appears
of record in the official records of the Board of Public Works.

DATED THIS 24 DAY OF October 1990

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Michael McAlexander
Director of Public Safety

Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, the LINCOLN NATIONAL BANK TRUSTEES have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

A fourteen (14) foot wide alley running between the East right-of-way line of Clay Street and East to, but not including, Lots 21, 23 and 32, located South of Lots 18 thru 22 and North of Lots 33 thru 37 all in Tabers Addition to the City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on September 17, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)

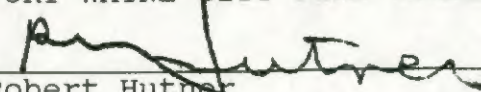
) SS:

COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held September 24, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 23rd DAY OF October 1990

FORT WAYNE CITY PLAN COMMISSION


Robert Hutner
Secretary

AGENT:

Moake Park Associates
202 W Berry St
Suite 630
FORT WAYNE IN 46802

Phone: 420-1061

Division of Community Development & Planning

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

A North/South alley East of Clay Street between Wayne & Berry Streets.

Reason for Project

To accommodate the future construction of the Foellinger Foundation headquarters.

Discussion (Including relationship to other Council actions)

17 September 1990 - Public Hearing

Dick Moake, architect, representing the Foellinger Foundation appeared before the Commission. Mr. Moake stated that they are requesting the vacation in order to accommodate the proposed new Foellinger Foundation Headquarters that is going to be built on this block.

David Long questioned if they were planning to landscape according to the diagram that Mr. Moake presented to the Commission.

Mr. Moake stated that generally speaking they would adhere to the plan as shown, but that they may not do as much landscaping in one area because there may be future parking proposed for that area.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Lincoln National Bank
Trustees
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

#446 ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A North/South alley running between Clay and Monroe Streets.

[Handwritten signature]
12-50-09-08

EFFECT OF PASSAGE Property is presently a dedicated right-of-way.

Property will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

BILL NO. G-90-09-08

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating
an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>J. Bradbury</u>	_____	_____	_____
<u>C. R. Edmonds</u>	_____	_____	_____
<u>George Rife</u>	_____	_____	_____
<u>David Long</u>	_____	_____	_____
<u>Mark C. LaSata</u>	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____

DATED: 11-27-90

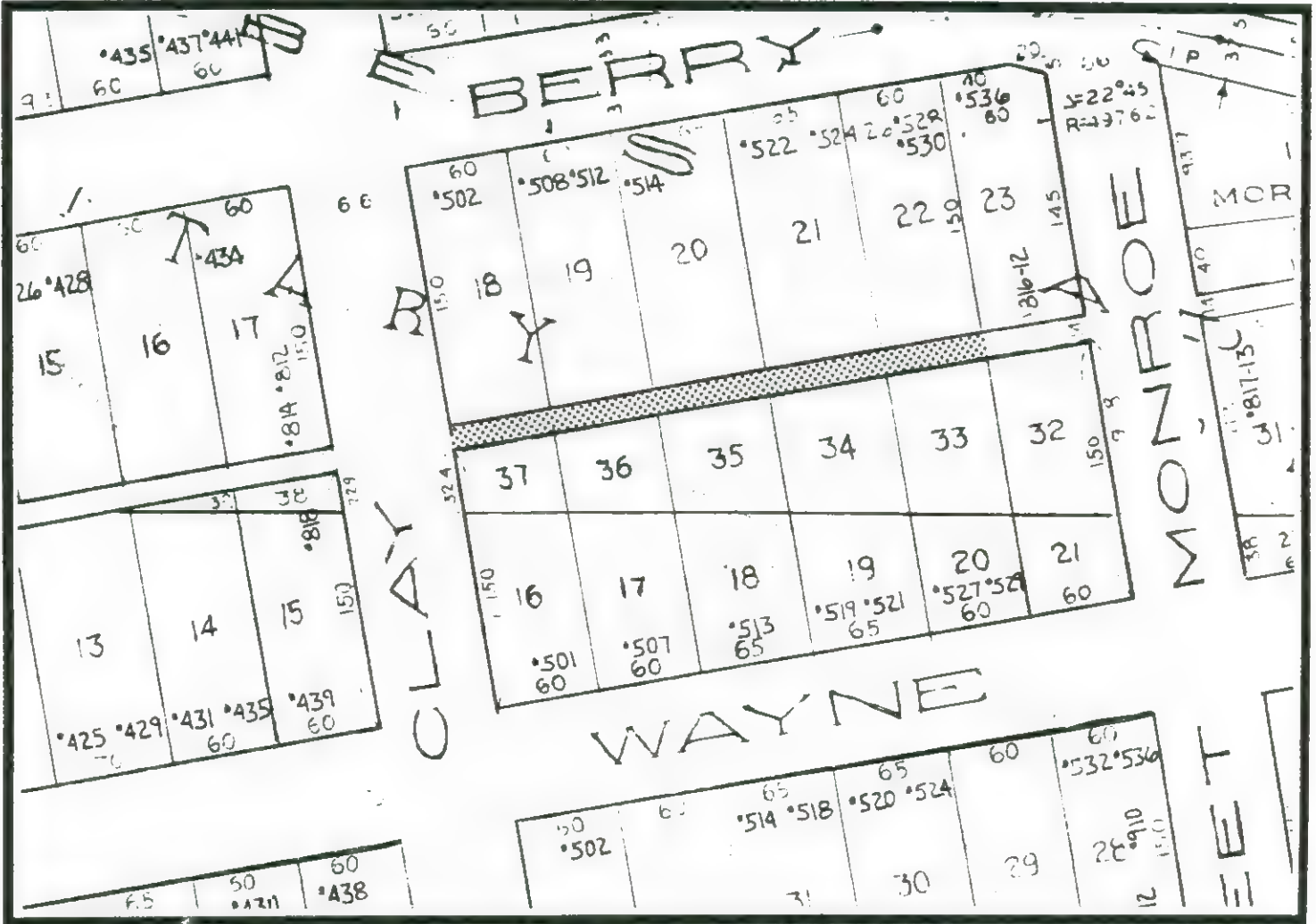
Sandra E. Kennedy
City Clerk

VACATION PETITION #446

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC ALLEY.

MAP NO. N-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

M1 LIGHT INDUSTRY

LAND USE:

☐ COMMERCIAL

SCALE: 1"=100'

DATE: 8-29-90





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

November 2, 1990

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of November 7, 1990, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-90-09-08
Alley Vacation

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

November 2, 1990

Moake Park Associates
202 W. Berry Street
Suite 630
Fort Wayne, IN 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-90-09-08

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, November 27, 1990, at 7:00 P.M. (EST), in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana on the following:

A North/South alley East of Clay Street
between Wayne & Berry Streets - To
accommodate the future construction of
Foellinger Foundation headquarters

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-09-08)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, November 27, 1990, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

a fourteen (14) foot wide alley running between the East right-of-way line of Clay Street and East to, but not including, Lots 21, 23 and 32, located South of Lots 18 thru 22 and North of Lots 33 thru 37 all in Tabers Addition to the City of Fort Wayne, Indiana.

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

A handwritten signature in cursive script, reading "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)
Allen
County, Indiana

To: The News-Sentinel
P.O. Box 100
Fort Wayne, IN Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines
Head -- number of lines
Body -- number of lines
Tail -- number of lines
Total number of lines in notice

COMPUTATION OF CHARGES

19 lines, 1 columns wide equals 19 equivalent lines
at .33 cents per line \$ 6.27
Additional charge for notices containing rule or tabular work (50 percent of above amount)
Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00
TOTAL AMOUNT OF CLAIM \$ 7.27

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.
Date: November 7, 19 90 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-09-08)
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All interested parties are invited to appear and be heard.
FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk

personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/ she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time (s), the dates of publication being as follows:
11/7/90

Subscribed and sworn to before me this 7th day of November, 19 90.
My commission expires: March 3, 1994
Notary Public Whitley County, IN
SHELLEY R. LARUE

Fort Wayne Common Council
(Governmental Unit)To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

Allen County, Indiana

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State of Indiana)

) ss:

Allen County)

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11/7/90Subscribed and sworn to before me this 7th day of November, 19 90SHELLEY R. LARUE
Notary Public Whitley County, INMy commission expires: March 3, 1994NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-09-08)

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FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk